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In re Application of:

Ando, Kenji et al

Serial No.: 10/784,197

Filed: Feb. 24, 2004

Docket: 0445-0347P

DECISION ON PETITION

Title: ABSORBENT ARTICLE AND PROCESS
OF PRODUCING THE SAME

This is a decision on the Petition for Suspension of Action received on Mar. 17, 2008, seeking to suspend action on the above-identified application for a period of two months. This petition is being considered pursuant to 37 CFR § 1.103(a). The petitioner has authorized a charge of the requisite petition fee to the Account No. 02-02448.

The petition is dismissed.

The record shows that:

- 1) On Oct. 10, 2007, the examiner issued a non-final Office action.
- 2) On Jan. 10, 2008, the applicant filed a response to the non-final Office action.
- 3) On Feb. 15, 2008, the applicant filed a supplemental amendment.
- 4) On Mar. 13, 2008, the applicant filed the current petition to suspension office action to provide additional time for the examiner and the applicant to study the prior art citation filed with the petition.

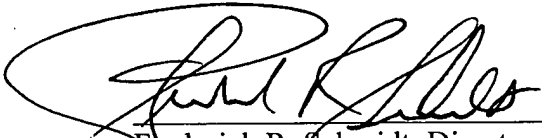
In the petition, petitioner alleges that the applicant has submitted an IDS with many prior art references on Mar. 17, 2008 and needs additional time to study the prior art references. Petitioner believes that the examiner also needs additional time to study the cited prior art references before an Office action can be rendered. This reason constitutes a good and sufficient cause to justify a two-month suspension of action.

The reason for a two-month suspension of action is not convincing and could not justify a two-month delay in prosecution. The Office must balance the burden of timely examinations and needs of the public to know which claims it faces with the needs of applicants in pursuing claims

which reflect the scope to which they are entitled. Applicant has failed to outline where he/she presently stands in the study of the prior art references or to establish why, in particular, a two-month suspension of action will advance the study of the prior art references. Accordingly, applicant has failed to establish good and sufficient reasons to delay the prosecution. The application remains in active status and being returned to the examiner for immediate consideration of the amendment filed on Jan. 10, 2008 and issuance of an Office action.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3761 for preparation of an Office action in response to the amendment filed on Jan. 10, 2008. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED.



Frederick R. Schmidt, Director
Technology Center 3700